



Government of Canada  
Privy Council Office

Gouvernement du Canada  
Bureau du Conseil privé



# Guidelines for Effective Regulatory Consultations

Regulatory Affairs Division  
Privy Council Office

Canada

## TABLE OF CONTENTS

1. Introduction
2. Regulatory Consultations
3. Components of Effective Regulatory Consultations
  - 3.1 Ongoing, Constructive and Professional Relationship with Stakeholders
  - 3.2 Consultation Plan
    - 3.2.1 Statement of purpose and objectives
    - 3.2.2 Public environment analysis
    - 3.2.3 Developing realistic timelines
    - 3.2.4 Coordination – Internal and Interdepartmental
    - 3.2.5 Selecting consultation tools
    - 3.2.6 Selecting participants
    - 3.2.7 Effective budgeting
    - 3.2.8 Ongoing monitoring, evaluation and documentation
    - 3.2.9 Feedback/Follow-up
  - 3.3 Conducting Regulatory Consultations
    - 3.3.1 Communication of neutral, relevant and timely information
    - 3.3.2 Ensuring that officials have the necessary skills
4. Other Consultation Tools
5. Full Checklist

## 1. INTRODUCTION

The purpose of this document is to provide guidance to officials involved in planning and carrying out consultations with stakeholders during the development of regulatory proposals.

Regulations are a form of law made by persons or bodies (e.g., the Governor in Council, Ministers, or administrative agencies) to which the power to make the law has been delegated by Parliament. The authority to make the regulation must be expressly delegated in an “enabling Act”.

The development of regulation is subject to the government’s *Regulatory Policy* and is guided by the principles of Smart Regulation. Smart Regulation refers to the objectives, principles and practices used by government to sustain high levels of regulatory performance and to facilitate continuous improvement. These principles include: protecting the public interest, extending the values of Canadian democracy, leveraging the best knowledge in Canada and world wide and promoting effective cooperation, partnerships and processes.

The government’s current *Regulatory Policy* requires that Canadians be consulted, and that they have an opportunity to participate in developing or modifying regulations and regulatory programs. Government departments and agencies must therefore deploy systematic efforts to ensure that the views of Canadians are taken into account when regulations are being developed.

Although this guide focuses on consultations for regulatory development, consultation with Canadians and stakeholders should begin long before the decision to proceed with the regulatory approach is taken. Consultations should be woven into all aspects of policy development, including the discussions as to which instrument (e.g., legislation, regulations, voluntary mechanisms, guidelines, policy) would best meet the government’s objectives.

The process for developing and approving regulations is subject to the Government of Canada *Regulatory Policy*  
<http://www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=E&Page=Publications&Sub=Current>

Additional guidance is available at:

**Regulatory Process Guide**

<http://www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=E&Page=Publications&Sub=Current>

**Regulatory Process Learning Tool**

<http://publiservice.pco-bcp.gc.ca/raoics-srdc>

**Cabinet Directive on Law-Making**

[http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&doc=legislation/lmgcabinetdirective\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&doc=legislation/lmgcabinetdirective_e.htm)

**Smart Regulation**

<http://www.regulation.gc.ca>

## 2. REGULATORY CONSULTATIONS

The extent to which stakeholders are involved in a consultation process varies considerably, from simply providing them with information to engaging them in a true partnership with shared decision making. Regulatory consultations tend to fall somewhere in the middle of this continuum, since the final decision regarding regulations rests with a specific individual (i.e., the Minister) or body (i.e., the Governor in Council). This guide focuses primarily on the consultation process that entails a two-way exchange. This includes listening to the ideas of others to solve problems and providing stakeholders with an opportunity to provide input and affect the outcome of a regulatory proposal. A good consultation process assists in developing quality regulations and mitigates implementation risks.

There is no one-size-fits-all approach to regulatory consultations. The size and scope of the consultative process depends on the proposed regulation and the number of people or groups affected by it. For example, a regulation may be broad in scope and affect all Canadians (e.g., *Canada Pension Plan Regulations*); it may affect a large stakeholder group (e.g., *Canadian Aviation Regulations*); or, it may affect relatively few individuals (e.g., *Oath of Office Regulations*). The process, therefore, may be broad (e.g., many stakeholders, across several regions) or more targeted (e.g., specific stakeholders, specific regions).

When a department determines that regulation is the best tool for achieving the government's objectives, it launches a process of planning and public consultation. It then writes its regulatory proposal and a Regulatory Impact Analysis Statement (RIAS). The RIAS is a public accounting of how the regulatory proposal followed each element of the government's current *Regulatory Policy* (e.g., cost-benefit analysis, alternatives, compliance and enforcement), the consultations that have taken place to date (including who was consulted, their views and how their comments were addressed), and a summary of the expected impact of the proposed regulation.

The Regulatory Impact Analysis Statement is itself a consultation tool in that it is pre-published in the *Canada Gazette*, Part I (<http://canada.gc.ca/gazette/hompar1.ehtml>), as required by a 1986 Cabinet directive. The RIAS should be comprehensive and written in simple, clear, concise language that the general public can easily understand.

Departmental officials are required to submit a draft of the RIAS to the Privy Council Office, Regulatory Affairs Division, for feedback on the regulatory proposal; to confirm consistency with the *Regulatory Policy*; and, to ensure that it is clear and well written.

Unless otherwise specified, draft regulations must be approved by the appropriate Cabinet Committee (currently Treasury Board) before they are pre-published in the *Canada Gazette*, Part 1. The purpose of pre-publication is to provide interested parties a final opportunity to comment on the proposed regulations; to determine if any stakeholders were missed in the consultative

process; and, to examine the extent to which the proposal is in keeping with the original consultations.

When draft regulations are pre-published, interested persons are allowed a period of time, usually 30 days, to express their views. The pre-publication period may also be determined by international agreements, such as the World Trade Organization agreements and the *North American Free Trade Agreement*. The *Regulatory Policy* requires that regulations covered under international trade agreements be pre-published for a minimum 75 days.

In some (limited) circumstances, an exemption from pre-publication may be granted, except when pre-publication is required by the enabling Act. For regulations made or approved by the Governor in Council, exemptions may be granted by the designated Cabinet Committee on a case-by-case basis. For more information on exemptions, see the *Regulatory Process Guide* <http://www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=E&Page=Publications&Sub=Current>.

Consulting with Aboriginal groups requires special considerations. A fiduciary relationship exists between the Government of Canada and Aboriginal peoples arising out of the historic relationship between these two groups. The government therefore has an obligation not to unnecessarily infringe on Aboriginal or treaty rights. Consultations are an important factor that courts consider in determining whether or not infringements of Aboriginal groups can be justified.

Officials must ensure that the regulatory consultations are consistent with all relevant statutes pertaining to proposed regulations. All regulatory consultations must be consistent with the *Official Languages Act*.

### 3. Components of Effective Regulatory Consultations

#### 3.1 Ongoing, Constructive, Professional Relationship with Stakeholders

Broadly defined, stakeholders are individuals, groups or organizations likely to be affected by proposed regulatory changes. In conducting regulatory consultations, officials should recognize and understand the breadth of stakeholders, each with different levels of interests, points of view, and expectations of the nature and content of a proposed regulatory regime.

An ongoing, constructive, professional relationship between government and stakeholders is key to achieving a quality outcome from the consultations. The following principles will help to achieve this type of relationship.

**Examples of Stakeholders**  
Citizens and community groups  
Aboriginal groups/governments  
Industry groups  
Nongovernmental organizations  
Provinces, territories, municipalities  
Foreign governments  
Unions  
Individual companies  
Small and medium-sized businesses  
International organizations  
Professional associations  
Consumer groups

- **Openness:** Officials conducting the consultations should be open to the views and opinions expressed by stakeholders and should take these into account in preparing the proposed regulations. The officials should be impartial to the views expressed and willing to allow them, if appropriate, to influence the final version of the proposed regulations.
- **Honesty and forthrightness:** Honesty and forthrightness regarding the purpose and objectives of the consultation and the proposed regulations are essential underpinnings of a positive relationship. There should be no hidden agenda.
- **Inclusiveness:** All stakeholders, whether directly or indirectly affected, should have an opportunity to contribute their views. Significant effort should be made to identify the “most affected stakeholders”. Officials should ensure that an appropriate balance of views is represented in the consultation process.
- **Transparency:** The relationship between the department and stakeholders should be transparent. A transparent approach is essential to building trust. Officials should ensure transparency of:
  - the overall regulatory consultation process;
  - pertinent, non-sensitive information;
  - the decision-making process; and,
  - how stakeholder input will be used.
- **Accountability:** Ministers are accountable to Parliament and Canadians for regulations and the regulatory and consultation process. A department should demonstrate accountability by documenting how the views of stakeholders were considered during the development of the regulations and by informing stakeholders of how those views were used. Where stakeholder input could not be reflected in the proposed regulations, officials should be able to outline the reason(s) why. Accountability also involves ensuring that the consultations take place over a reasonable period of time, so that participants have sufficient time to submit their views.

Introducing successful regulatory proposals requires the development and nurturing of ongoing relationships between the government and stakeholders. The development of a climate of mutual trust and respect will often carry forward to future consultations. A network of stakeholders allows officials to tap into a wider array of knowledge and information that can greatly assist in the effective and efficient development of regulations.

### 3.2 Consultation Plan

Good regulatory proposals begin with good planning. Central to a successful consultation process is a clear, comprehensive, inclusive and realistic consultation plan. A well devised consultation plan is key to achieving the goals and objectives of the proposed regulations and to facilitating a

smooth consultative process. The development of the consultation plan requires an upfront investment of time, budget and effort.

The consultation plan should frame the boundaries of the consultation process. It should precisely state the objectives of the consultation process, and should include the issues under review, a public environment analysis, key participants, time lines, and a mechanism for reporting the consultation results. It should clearly describe the proposed consultative approach and rules of engagement, so that interested parties can decide whether or not to participate, and, if so, how.

In some cases, stakeholders may be consulted ahead of time for their input into how the consultation should be conducted and which consultative tools would be most appropriate. This can be done by telephone, e-mail or meetings with all or key stakeholders. Stakeholder input can also be requested during the consultations that took place during the policy development phase or the instrument choice analysis. Pre-consultations also help stakeholders to plan their input, budget and time.

The consultation plan should be commensurate with the size and scope of the proposed regulations. A well designed regulatory consultation allows stakeholders to provide their input through a variety of mechanisms (e.g., public forums, advisory groups) that are both convenient and adapted to their abilities and resources. However, in some circumstances, a detailed consultation plan may not be necessary. For example, in many cases, departments use established ongoing committees or councils made up of all stakeholders affected by a particular regulated area (e.g., civil aviation). In such cases, a “terms of reference”, charter or similar document should be developed to support the work of the consultation mechanism. As well, for routine proposals (e.g., administrative amendments) a detailed plan may not be necessary.

### **3.2.1 Statement of purpose and objectives**

The consultation plan should clearly state, at the beginning of the document, the purpose and objectives of the consultations. A clear, well defined statement of purpose will help to keep the consultations focussed and on track, and will clarify the scope and boundaries of the consultative effort.

The statement of purpose should clearly define the problem or outcome that the proposed regulatory initiative is purporting to address. It can sometimes be useful to seek stakeholder input on the “problem” statement as this can help to ensure that the regulatory “solution” effectively addresses the problem. The statement of purpose should also present a compelling argument for government intervention; clearly demonstrate the need for the proposed regulation; and, explain why regulation is the tool of choice over other instruments such as legislation, policy or voluntary codes.

Invariably during the consultation process, some stakeholders will attempt to bring forward issues that are not central to the consultations. A clear statement of purpose and objectives can help officials to maintain a clear focus and to deflect distractions that are outside the consultation's parameters. The statement of purpose should be broad enough and flexible enough to accommodate stakeholders' views, but clear and precise enough to keep the discussion centred on the issue at hand.

#### Checklist 1

A clear statement of purpose, at the beginning of the consultation plan, should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Define <u>what</u> the proposed regulations will do
<input type="checkbox"/>	<input type="checkbox"/>	Explain the <u>problem</u> the proposed regulations are addressing
<input type="checkbox"/>	<input type="checkbox"/>	Explain <u>why</u> the regulation is being developed (e.g., economic, social or safety benefits)
<input type="checkbox"/>	<input type="checkbox"/>	Describe <u>how</u> the regulations will be developed (e.g., process to be followed)
<input type="checkbox"/>	<input type="checkbox"/>	Outline <u>the scope</u> of the regulatory consultation process (e.g., what can and cannot be considered as part of the consultations)
<input type="checkbox"/>	<input type="checkbox"/>	Identify the <u>authority</u> for the regulations
<input type="checkbox"/>	<input type="checkbox"/>	Be written in plain, easy-to-understand language

### 3.2.2 Public environment analysis

The consultation plan should include an analysis of both the internal and external environments.

An internal scan is necessary to confirm that there is Ministerial and senior management support, policy approval, and consistency with government priorities.

An external scan assesses the level of public and media interest and the potential positions of stakeholders (e.g., what they may propose, their perspectives of the issue, potential sources of conflict). This will help to identify any potential communications challenges arising from the consultations, and form the basis of a communication plan, if necessary, to address these and any other challenges that may arise.



The public environment analysis can assist in triaging the proposal (i.e., determining whether it is of high, medium or low significance). The analysis should consider factors to determine the size and scope of the consultation process and the type of tools needed to conduct the consultation. The checklist below provides some key questions to help determine the importance and scope of the consultation exercise.

**Checklist 2**

In conducting an internal scan, officials should:

Yes      N/A

- Determine senior management commitment to the proposal
- Seek Ministerial support for the proposal
- Determine if there is appropriate policy authority for the regulatory proposal
- Assess consistency with government priorities (e.g., Speech from the Throne, Budget)
- Research emerging legislation policy or litigation that could affect the consultation

**Checklist 3**

In conducting an external scan, officials should:

Yes      N/A

- Determine the level of public interest (e.g., public opinion research, degree of impact on citizens)
- Examine how the general public might perceive the issue
- Assess stakeholders' perceptions of the proposal
- Review past positions of stakeholders (e.g., web sites, previous submissions, letters, past consultations)
- Determine if the issue is contentious (e.g., is there special interest, media interest)
- Assess the social, economic, health and/or environmental impacts of the proposal
- Examine relevant reports from parliamentary committees
- Review reports from relevant independent bodies
- Assess potential provincial, territorial and municipal government responses

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Review any previous lobbying by stakeholders                          |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if there will be difficult choices or trade-offs               |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if certain stakeholder group(s) benefit more than others    |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if there were similar approaches taken by other governments |

### 3.2.3 Realistic timelines

The consultation plan should include realistic timelines that identify activities and set milestones for all aspects of the consultative process. It should also be flexible enough to allow for unforeseen circumstances.

The amount of time required for a consultation depends on the complexity of the issue and the consultation methods selected. It is easy to underestimate how long it will take to plan, implement and evaluate a consultation process.

Involving stakeholders in determining timelines can be an important part of building and securing a positive relationship with them. Whether or not they take part in setting time frames, participants should be kept informed of the schedule and, in particular, when their input will be solicited. This will keep them focussed and allow for monitoring throughout the process and for any adjustments that may be required in objectives and plans.

Sufficient time should be allowed for groups and individuals to become informed, examine the issues, debate/dialogue/consult within their organizations, and develop a response.

The consultations should be managed in a way that ensures that stakeholder time is well spent, and so that they feel their time investment was worthwhile and meaningful. Agendas should be sent to stakeholders in advance of a consultation session.

The consultations should take place early enough in the policy (or regulatory) development process to ensure adequate time for all aspects of the regulatory process (e.g., drafting by Justice, senior management approval, Ministerial sign-off, PCO review, parliamentary schedule, pre-publication timelines, final approval).

**Checklist 4**

In developing realistic timelines, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Assess the level of knowledge, understanding and expertise of stakeholders (e.g., determine if there is a significant level of learning required on the part of the public and/or the government for informed discussions to take place)
<input type="checkbox"/>	<input type="checkbox"/>	Determine what information needs to be developed or collected for stakeholders
<input type="checkbox"/>	<input type="checkbox"/>	Determine the appropriate time of year for the consultations to take place (e.g., account for summer holidays)
<input type="checkbox"/>	<input type="checkbox"/>	Assess if the deadlines for decision making are realistic
<input type="checkbox"/>	<input type="checkbox"/>	Factor in the timing of other aspects of the regulatory process (e.g., drafting by Justice, senior management approval, Ministerial sign-off, PCO review, parliamentary schedule, pre-publication timelines, final approval)
<input type="checkbox"/>	<input type="checkbox"/>	Prepare and implement a communication plan
<input type="checkbox"/>	<input type="checkbox"/>	Assess the time needed for participants and stakeholders to understand material, consult with their constituencies or members, and prepare input
<input type="checkbox"/>	<input type="checkbox"/>	Research the availability of both government officials and stakeholders
<input type="checkbox"/>	<input type="checkbox"/>	Determine the amount of time required for the consultation
<input type="checkbox"/>	<input type="checkbox"/>	Determine the time required for contracting outside help (e.g., bidding times, internal process, approval)
<input type="checkbox"/>	<input type="checkbox"/>	Assess how many consultation sessions are required
<input type="checkbox"/>	<input type="checkbox"/>	Determine how much time is required to analyse the results and report back to stakeholders
<input type="checkbox"/>	<input type="checkbox"/>	Determine the time required for translation of material/background documents and participant input, if necessary

**3.2.4 Coordination – Internal and Interdepartmental**

**Internal:** In developing a consultation plan, officials should first communicate internally within their department so that interested colleagues are aware of the proposed consultative process and the proposed regulations. This may include discussions with other policy centres, corporate

services (e.g., contracting, financial services, translation), communication experts, consultation experts and those involved in the implementation of regulations such as inspectors and evaluators.

**Interdepartmental:** Officials should also coordinate regulatory consultations across departments and agencies before seeking the views of stakeholders in order to establish coherence and support. Depending on the issue, this may range from phone calls or e-mails to a series of interdepartmental meetings. Significant effort should be made to ensure that all relevant departments and agencies have an opportunity to participate and that differences are resolved before outside stakeholders are engaged. Other government departments should not be viewed as “stakeholders” but partners in the consultation process.

Interdepartmental discussion and coordination gives officials the opportunity to consider how their initiative fits in with those of other departments that regulate the same stakeholders. The number of departments and agencies that have responsibilities or interests in the development of a particular regulation can be significant. It is not unusual for specific stakeholder groups to deal with several bodies of regulations emanating from multiple departments or agencies. As a result, stakeholders can find themselves involved in separate consultation processes, on the same subject, led by two or more government departments or agencies. In some cases “consultation fatigue” can set in, leading to scepticism and jeopardizing the government’s relationship with stakeholders.

Coordination across departments allows the government to speak with one voice and to convey consistent messages. It also shows respect for stakeholders, particularly in light of the time and resources they invest in preparing for and participating in consultations. As well, it can provide for the effective and efficient use of government resources.

When coordinating across government departments, officials should allow adequate time for other departments to review the proposed consultations and regulatory proposals, and provide meaningful input. This should be done far enough in advance of the public release that there is still time to consider alternatives.

As much as possible, the regulatory consultation activities of several departments and/or agencies should be combined. This is particularly important where the proposed regulations affect a community of stakeholders that is regulated by several departments. Maintaining an ongoing and constructive relationship with counterparts in other departments can assist in determining if there are related past, current, or planned consultations with the same stakeholders. The government’s consultation portal ([www.consultingcanadians.gc.ca](http://www.consultingcanadians.gc.ca)), which provides single-window access to listings of consultations by selected departments and agencies, is a helpful tool.

Regional officials, both in the sponsoring department and other federal departments and agencies, should be informed of planned consultations that may involve participants from, or issues related to, their regions. Working in partnership with regional offices is essential, as these individuals know the local communities and stakeholders and the issues and challenges they face in their

regions regarding a regulatory proposal. If possible, regional officers should be included in the consultation process.

In cases where several jurisdictions are involved in regulating a similar problem, departments may also wish to explore coordinating the consultations with provincial and territorial governments.

**Checklist 5**

In developing a consultation plan, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Discuss the proposal with relevant policy centres within the department
<input type="checkbox"/>	<input type="checkbox"/>	Seek the advice of departmental communications and consultation experts
<input type="checkbox"/>	<input type="checkbox"/>	Liaise with corporate services (e.g., financial, contracting, translation, web master)
<input type="checkbox"/>	<input type="checkbox"/>	Conduct a file search of similar consultations
<input type="checkbox"/>	<input type="checkbox"/>	Resolve internal departmental issues
<input type="checkbox"/>	<input type="checkbox"/>	Conduct a scan of other departments' roles and mandates to determine if other departments are interested (e.g., review web sites, liaise with other departments)
<input type="checkbox"/>	<input type="checkbox"/>	Review and update the Consulting Canada web site
<input type="checkbox"/>	<input type="checkbox"/>	Determine if other departments have recently conducted consultations on similar topics
<input type="checkbox"/>	<input type="checkbox"/>	Examine potential areas of collaboration with other government departments
<input type="checkbox"/>	<input type="checkbox"/>	Contact regional offices and provinces and territories if required.
<input type="checkbox"/>	<input type="checkbox"/>	Hold meeting(s) to brief other government departments on the proposal
<input type="checkbox"/>	<input type="checkbox"/>	Identify the views of different departments on the proposal
<input type="checkbox"/>	<input type="checkbox"/>	Resolve interdepartmental issues

### 3.2.5 Selecting consultation tools

Many consultation tools are available. However, given the wide variety of regulatory proposals and their differing impacts, no single “one-size-fits-all” tool works for all consultations.

The consultation plan should include an assessment of the most appropriate consultation tool based on the size and scope of the proposal, regional considerations and the types of stakeholders.

Engaging stakeholders early in pre-consultations gives them the opportunity to help decide which consultation tools would be best. Officials should contact not only those who are directly involved but also those indirectly affected by the regulatory change. In some cases, this may require “outreach” endeavours to engage people or groups who traditionally do not take part in regulatory consultations.

In selecting the appropriate consultation tool, special effort might be needed to communicate with persons who are visually or hearing impaired and with members of ethno-cultural or Aboriginal communities.

- | <u>Consultation Tools</u>       |
|---------------------------------|
| Interviews                      |
| Toll-free hotlines              |
| Questionnaires/surveys          |
| Open house/public meetings      |
| Conferences/workshops           |
| Bilateral meetings              |
| Focus groups                    |
| Advisory boards/committees      |
| Comment forms                   |
| Electronic/written submissions  |
| Request for written submissions |
| Web sites/forums                |
| Round tables                    |
| Task forces                     |
| Video conferencing              |
| Town Halls                      |

<b>Regulatory Consultations</b>			
<i>Educate</i>	<i>Inform and obtain feedback</i>	<i>Involve</i>	<i>Joint planning</i>
Open Houses	Telephone	Public Meetings	Planning Workshop
Direct Mail	Hotlines	Public Forums	Negotiation and Mediation
Exhibits	Focus Groups	Advisory Groups	Partnering
Conferences	Surveys	Workshops	
Newspaper inserts	Web site	Dialogue Session	
Reference Centre			

**Checklist 6**

In selecting consultation tools, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Research previous consultations to determine the methods usually used for consulting on this issue and with these stakeholders
<input type="checkbox"/>	<input type="checkbox"/>	Assess the advantages and disadvantages of using various consultation tools
<input type="checkbox"/>	<input type="checkbox"/>	Facilitate stakeholder involvement in selecting the most appropriate consultation tools
<input type="checkbox"/>	<input type="checkbox"/>	Determine if different interest groups should be brought to the same consultation meeting
<input type="checkbox"/>	<input type="checkbox"/>	Assess whether consensus is the goal of the consultations
<input type="checkbox"/>	<input type="checkbox"/>	Ensure the consultation tool selected is appropriate for the size and scope of the proposal

**3.2.6 Selecting participants**

The regulatory consultation plan should include criteria for selecting participants. Again, given the variety of regulatory proposals, there is no single approach to selecting stakeholders. Some consultations may be geared toward specific clients and stakeholders. In other situations, participants might be selected on the basis of technical or local knowledge, subject-matter expertise, or the level of impact on their activities. Depending on the size and scope of the proposal, consideration should be given to how the general public would be consulted.

In developing a comprehensive work plan for regulatory consultations, officials need to consider the contributions of individuals with a wide variety of backgrounds, perspectives and expertise. The extent of participant involvement will depend on their level of interest, and the extent to which decisions are likely to directly or indirectly affect them and their ability to participate. It is also a matter of seeking input and involvement from those who can make a meaningful contribution to the decision-making process.

The consultation plan should specify the roles and responsibilities of officials and of stakeholders in the process. In developing questions for participants, thought should be given to the type of comments the department wishes to receive and how the views of stakeholders will be taken into consideration. The right question is important for a fruitful and comprehensive review of the issues.

Participants also need to know how their views will be taken into consideration, which departmental official is authorized to decide on the proposed course of action, and the “rules of engagement” . The “rules of engagement” may involve working with participants to develop a code of conduct for the meetings so that the participants understand and agree to the delegated roles and responsibilities.

**Checklist 7**

In selecting stakeholders, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Develop criteria to select participants
<input type="checkbox"/>	<input type="checkbox"/>	Determine participant availability
<input type="checkbox"/>	<input type="checkbox"/>	Research who was consulted on similar topics
<input type="checkbox"/>	<input type="checkbox"/>	Contact key stakeholder groups for advice on who should participate
<input type="checkbox"/>	<input type="checkbox"/>	Do a web search of key groups
<input type="checkbox"/>	<input type="checkbox"/>	Consult other officials or departments to identify participants
<input type="checkbox"/>	<input type="checkbox"/>	Post a notice on the departmental web site advising of the consultation process
<input type="checkbox"/>	<input type="checkbox"/>	Send a letter to stakeholder groups
<input type="checkbox"/>	<input type="checkbox"/>	Advertise in local newspapers, trade publications or on radio or television.
<input type="checkbox"/>	<input type="checkbox"/>	Define the range of stakeholder involvement
<input type="checkbox"/>	<input type="checkbox"/>	Identify which regions of the country should be represented

**3.2.7 Effective budgeting**

Good planning requires good budgeting. It also requires an appropriate investment of personnel and time. The degree of financial, personnel and time investment should be commensurate with the size and scope of the regulatory proposal.

Consultation should form part of the business planning, resource allocation and management processes for the development of regulations. Budgeting may include communications, technical information, logistical and travel arrangements, third-party support (e.g. facilitators), participant funding, and translation (e.g., written and simultaneous translation). Budgeting for intervener



funding (if available) may also be necessary. Officials should consult internally in their departments to determine if intervener funding is available.

### Checklist 8

In developing a budget for a regulatory consultation, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Determine the funds available
<input type="checkbox"/>	<input type="checkbox"/>	Determine if the consultations will be facilitated by a third party
<input type="checkbox"/>	<input type="checkbox"/>	Assess if the funds are adequate for the scope of the regulatory consultations
<input type="checkbox"/>	<input type="checkbox"/>	Examine if other government departments can contribute to the funding
<input type="checkbox"/>	<input type="checkbox"/>	Evaluate whether contractors are needed for the preparation of written materials
<input type="checkbox"/>	<input type="checkbox"/>	Determine if translation (written and simultaneous translation) is required
<input type="checkbox"/>	<input type="checkbox"/>	Determine if an independent evaluator is required
<input type="checkbox"/>	<input type="checkbox"/>	Assess if IT support is necessary (e.g., web master)
<input type="checkbox"/>	<input type="checkbox"/>	Calculate travel costs (e.g., what regions of the country need to be visited)
<input type="checkbox"/>	<input type="checkbox"/>	Determine the kind of facilities required (e.g., hotels, conference centres, government facilities)
<input type="checkbox"/>	<input type="checkbox"/>	Calculate the cost of notifying participants or the public of the consultations (e.g., advertising, mail-out, web site)
<input type="checkbox"/>	<input type="checkbox"/>	Determine if arrangements might be required for participants with special needs.
<input type="checkbox"/>	<input type="checkbox"/>	Assess if intervener funding is available

### 3.2.8 Ongoing monitoring, evaluation and documentation

Evaluations should be conducted both as the consultations are taking place so that changes can be made if necessary, and at the end of the consultations, to assess the results. The consultation plan should detail how these evaluations will be conducted.

At the design and planning stage of the consultation, officials should establish an evaluation framework and identify the supporting methodologies and tools. The framework should allow officials to measure the effectiveness and impact of the consultation in terms of meeting its

objectives so that any areas requiring improvement can be identified and processes adjusted if necessary.

The evaluation framework should address each element of the consultation plan (e.g., the statement of purpose, participant selection, the most appropriate consultation tools) to determine if the plan was effective and the right methodology was used.

Officials should work collaboratively with their departmental evaluation specialists, as well as with outside experts, when identifying and planning evaluation requirements. For complex proposals, evaluations may be carried out by evaluation experts.

Two factors should be considered when conducting both ongoing and final evaluations: (i) did the process work and (ii) what results were achieved. Both consultation officials and stakeholders should participate in the evaluation process.

### *Ongoing Evaluation*

Ongoing evaluation is done throughout the process to enable officials to determine how well the consultation plan is being implemented (e.g., is the process effective?); to measure success (e.g., is the information gathered valid and reliable?); and, to determine if adjustments should be made to advance the consultation objectives. Ongoing evaluation also allows participants to suggest next steps and helps to identify the elements of a troubled process (e.g., lack of interest, power struggles).

For complex proposals, it may be useful to have a neutral observer sit in on some events to assess how the process is unfolding. In some cases, a subject matter expert should review the information received and assess its validity. In other cases, an evaluation specialist should be engaged to provide feedback on the measures chosen and the instruments developed to capture information.

#### **Checklist 9**

In conducting an ongoing evaluation, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Determine the tangible results expected from the consultation process
<input type="checkbox"/>	<input type="checkbox"/>	Assess the key activities that need to be carried out as part of the consultation
<input type="checkbox"/>	<input type="checkbox"/>	Determine if a neutral observer would be beneficial for monitoring the process
<input type="checkbox"/>	<input type="checkbox"/>	Assess if the methods used are appropriate for the identified objectives

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Evaluate if the timetable allows enough time for input          |
| <input type="checkbox"/> | <input type="checkbox"/> | Develop a tracking document                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Ensure that all comments are recorded                           |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if there is an appropriate number of participants     |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if stakeholders feel that the consultation is worthwhile |

*Evaluation at the End of the Process*

Evaluation at the end of the process enables officials to gauge the success, impact and results of the regulatory consultation. This allows officials to identify what worked best and if there were any unanticipated outcomes. The evaluation should determine (i) the quality of the information and advice collected; (ii) the extent to which the results are integrated into the regulatory initiative; and, (iii) the degree to which the consultation process itself was successful.

The end-of-process evaluation will also allow officials to document lessons learned so that these can be shared within the institution and with other departments and agencies. This helps to ensure that current and future processes are informed by past experience through roundtable seminars, case studies and articles in newsletters, among other means.

**Checklist 10**

In conducting a final evaluation of the process and results of the consultations, officials should ask the following questions:

- | Yes                      | N/A                      |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Were the views received what you anticipated?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the method effective in engaging different groups and individuals?                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did those consulted feel the process was worthwhile?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the methods suit the objectives?  |
| <input type="checkbox"/> | <input type="checkbox"/> | If more than one method was used, what were the advantages and disadvantages of each?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Were the quantitative and qualitative information, response rate and representative sample anticipated? |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the timetable clear and adhered to; if not, why not?  |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Was enough time allowed for input?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the information used as part of the process effective?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was relevant information made available to the appropriate participants?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the information easy to access, relevant to the consultation, produced in plain language, easy to understand, available in other languages and formats?                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the process adequately budgeted?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Were the supporting materials effective? For example, did the consultation document encourage informed deliberation and dialogue? Was the information easy to access, clear and objective? |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you follow up with those consulted and was that input used?  |

### 3.2.9 Feedback/Follow-up

The consultation plan should include options for providing feedback. Feedback is an important part of accountability. A department should demonstrate accountability by taking into consideration the views of stakeholders in developing the regulations and by informing stakeholders of how those views were used. Where the input of stakeholders could not be reflected in the proposed regulations, officials should clearly explain why this was so.

Feedback should be obtained both during the consultations and when the consultations are completed. During the process, it can be elicited either informally or by means of interim reports, questionnaires and evaluations. At the end of the process, a final consultation report should be drafted presenting what was heard, how it meets the consultation plan and how the input has been used.

The final consultation report should be distributed to participants in a timely manner and posted on a web site. The final consultation report is also summarised in the Regulatory Impact Analysis Statement which provides a synopsis of who participated, what was heard, how comments were addressed, the method of consultation and the time frame for the consultation.

Officials should follow up with stakeholders with timely thank-you letters and the final consultation report, as a sign of respect and accountability. Stakeholders should also be informed of the next steps.

## 3.3 Conducting Regulatory Consultations

In conducting regulatory consultations, officials should keep in mind the key principles for maintaining an ongoing, positive relationship with stakeholders: openness, honesty and

forthrightness, inclusiveness, transparency and accountability. Consistent with these principles, officials should conduct regulatory consultations with the following in mind:

- Communication of neutral, relevant and timely information related to the regulatory proposals; and,
- Ensuring that officials have the necessary skills to conduct regulatory consultations.

### 3.3.1 Communication of neutral, relevant and timely information

Ongoing communication and information exchange are critical to successful regulatory consultations.

Those involved in regulatory consultations have views based on the information and experience available to them up to that time. Often the parties involved, including departmental officials, are not fully aware of all of the issues and impacts of proposed regulations.

To make meaningful contributions, participants must have access to neutral, timely and relevant information. Inherent in the notion of accessibility is that the information be provided in terminology and language that is appropriate, relevant and understandable to the stakeholder.

Officials should recognize that consultations play an important educational role for many stakeholders. Stakeholders (including members of the public) often have much to learn in terms of the process of regulatory development, the issues involved, and any technical or scientific aspects associated with a proposed regulation.

Departments and agencies should take steps to develop and provide, where possible, documents supporting the consultation efforts. Such documents are particularly helpful to stakeholders to prepare themselves for meaningful input. Stakeholders should have all the information they need during the consultation process, including the supporting rationales, technical or scientific information, the analyses performed, costs and benefits, trade-offs considered, risk assessment, potential impacts and consequences, and the alternatives examined. While some sensitive information (e.g., Cabinet Confidences, certain economic and security-sensitive information) cannot be shared, every effort should be made to be transparent.

When possible, stakeholders should be given the draft regulatory text to help them develop specific, precise comments. Departments may share regulatory texts with stakeholders prior to the text being blue stamped by the Department of Justice. After the text has been blue stamped, it may not be publicly released until pre-publication of the proposed regulations.

Consultation material, including contact names and numbers, should be distributed well in advance so that participants have time to familiarize themselves with the issue and the consultation process at hand.

**Checklist 11**

In communicating neutral, relevant and timely information, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Determine the level of knowledge of participants
<input type="checkbox"/>	<input type="checkbox"/>	Evaluate whether participants are fully aware of the issues
<input type="checkbox"/>	<input type="checkbox"/>	Assess whether all stakeholders have extensive technical knowledge of the issue
<input type="checkbox"/>	<input type="checkbox"/>	Assess if some participants are more knowledgeable than others
<input type="checkbox"/>	<input type="checkbox"/>	Provide information in clear, plain language
<input type="checkbox"/>	<input type="checkbox"/>	Explore whether a learning event is necessary
<input type="checkbox"/>	<input type="checkbox"/>	Distribute necessary background information
<input type="checkbox"/>	<input type="checkbox"/>	Decide if stakeholders should be provided with a draft regulatory text
<input type="checkbox"/>	<input type="checkbox"/>	Provide timely information
<input type="checkbox"/>	<input type="checkbox"/>	Include contact names and coordinates
<input type="checkbox"/>	<input type="checkbox"/>	Ensure that all stakeholders are provided with the same information
<input type="checkbox"/>	<input type="checkbox"/>	Develop a code of conduct for the consultation that has been agreed to by participants

**3.3.2 Ensuring that officials have the necessary skills**

A successful regulatory consultation process needs to be effectively managed, facilitated, mediated, and communicated. The officials conducting the consultations should have the skills required to support effective consultations and to maintain ongoing, constructive, professional relationships with stakeholders.

Having officials with the appropriate skill set helps to ensure that stakeholders are not frustrated by the process and that situations where stakeholders take an adversarial approach can be defused.

The officials need to have the interpersonal skills necessary to listen, build consensus and accept the views of stakeholders, occasionally in hostile environments that can be prone to conflicting views and demands. Patience is often a key requirement. Because conflicts may be difficult to avoid during consultations, understanding how to manage them and how to help others manage them, can reduce their overall impact.

The officials need to understand the objectives of the regulatory proposal, the issues that might be raised, and the parameters of the decision-making process.

The consultative process should be led by officials (or contractors) who can supervise the details, deal with unexpected situations, and modify the process as required. They should also be able to encourage the exchange of ideas and help participants articulate their opinions.

**Consultation Skills/Knowledge**  
Consensus building  
Facilitation  
Meeting management  
Negotiation  
Conflict resolution  
Problem solving  
Risk management  
Information management  
Communication

In selecting a consultation facilitator, consideration should be given to the size, scope and impact of the regulatory proposal, the differing views of stakeholders, the potential for conflict between stakeholders, and the level of trust the stakeholders have in government. The individuals should be able, wherever possible, to gain the trust of stakeholders, ensure credibility, and have the skills, personality and temperament to manage and defuse conflict.

Active listening by officials is necessary so that views of stakeholders are considered. Meaningful opportunities should be provided to stakeholders to ensure that they have an opportunity to influence decisions rather than simply validating decisions already made.

Officials involved in regulatory consultations may wish to take courses in facilitation, communication, conflict management, negotiation, and mediation. The Canada School of Public Service offers courses in these areas (<http://www.myschool-monecole.gc.ca/>)

**Checklist 12**

In facilitating a regulatory consultation process, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Share expectations for the consultation process with participants and encourage participants to share their expectations
<input type="checkbox"/>	<input type="checkbox"/>	Establish a participant code of conduct
<input type="checkbox"/>	<input type="checkbox"/>	Let participants express their points, without expressing their own thoughts, knowledge or feelings
<input type="checkbox"/>	<input type="checkbox"/>	Understand the importance of the issue for participants, and whether any conflicts need to be

- |                          |                          |   |
|--------------------------|--------------------------|---|
|                          |                          | resolved or can be set aside momentarily                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Separate the problem into components and develop solutions for each component |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the potential for satisfactory resolution of a problem              |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if participants are willing to explore alternative solutions        |

## 4. OTHER CONSULTATION TOOLS

Departments have developed a considerable body of knowledge and best practices regarding the policy, program and regulatory consultations.

Health Canada

[http://publiservice.pco-bcp.gc.ca/comcon/default.asp?Language=E&page=cons&doc=Health\\_Canada\\_Toolkit\\_e.htm](http://publiservice.pco-bcp.gc.ca/comcon/default.asp?Language=E&page=cons&doc=Health_Canada_Toolkit_e.htm)

Agriculture and Agri-Food Canada

[http://publiservice.pco-bcp.gc.ca/comcon/docs/pdfs/AgCnd\\_cons\\_engage\\_e.pdf](http://publiservice.pco-bcp.gc.ca/comcon/docs/pdfs/AgCnd_cons_engage_e.pdf)

Department of Fisheries and Oceans

[http://publiservice.pco-bcp.gc.ca/comcon/docs/cons/pdf/Framework2004\\_dfo\\_e.pdf](http://publiservice.pco-bcp.gc.ca/comcon/docs/cons/pdf/Framework2004_dfo_e.pdf)

Environment Canada

[http://www.ec.gc.ca/consult/policy\\_e.html](http://www.ec.gc.ca/consult/policy_e.html)

Justice Canada

[http://canada.justice.gc.ca/en/cons/pc\\_policy.html](http://canada.justice.gc.ca/en/cons/pc_policy.html)

Privy Council Office (Communications and Consultations)

<http://publiservice.pco-bcp.gc.ca/comcon/>



## 5. Full Checklist

### Defining the purpose and objectives of the regulatory consultation

#### Checklist 1

A clear statement of purpose, at the beginning of the consultation plan, should:

Yes    N/A

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Define <u>what</u> the proposed regulations will do  |
| <input type="checkbox"/> | <input type="checkbox"/> | Explain the <u>problem</u> the proposed regulations are addressing   |
| <input type="checkbox"/> | <input type="checkbox"/> | Explain <u>why</u> the regulation is being developed (e.g., economic, social or safety benefits)                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Describe <u>how</u> the regulations will be developed (e.g., process to be followed)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Outline <u>the scope</u> of the regulatory consultation process (e.g., what can and cannot be considered as part of the consultations) |
| <input type="checkbox"/> | <input type="checkbox"/> | Identify the <u>authority</u> for the regulations  |
| <input type="checkbox"/> | <input type="checkbox"/> | Be written in plain, easy-to-understand language   |

### Public environment analysis

#### Checklist 2

In conducting an internal scan, officials should:

Yes    N/A

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Determine senior management commitment to the proposal                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Seek Ministerial support for the proposal   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if there is appropriate policy authority for the regulatory proposal        |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess consistency with government priorities (e.g., Speech from the Throne, Budget)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Research emerging legislation policy or litigation that could affect the consultation |

**Checklist 3**

In conducting an external scan, officials should:

- | Yes                      | N/A                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the level of public interest (e.g., public opinion research, degree of impact on citizens)       |
| <input type="checkbox"/> | <input type="checkbox"/> | Examine how the general public might perceive the issue  |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess stakeholders' perceptions of the proposal   |
| <input type="checkbox"/> | <input type="checkbox"/> | Review past positions of stakeholders (e.g., web sites, previous submissions, letters, past consultations) |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if the issue is contentious (e.g., is there special interest, media interest)                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess the social, economic, health and/or environmental impacts of the proposal                           |
| <input type="checkbox"/> | <input type="checkbox"/> | Examine relevant reports from parliamentary committees   |
| <input type="checkbox"/> | <input type="checkbox"/> | Review reports from relevant independent bodies  |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess potential provincial, territorial and municipal government responses                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Review any previous lobbying by stakeholders   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if there will be difficult choices or trade-offs  |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if certain stakeholder group(s) benefit more than others   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if there were similar approaches taken by other governments                                      |

**Developing realistic timelines**

**Checklist 4**

In developing realistic timelines, officials should:

- | Yes                      | N/A                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Assess the level of knowledge, understanding and expertise of stakeholders (e.g., determine if there is a significant level of learning required on the part of the public and/or the government for informed discussions to take place) |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine what information needs to be developed or collected for stakeholders   |

## Guidelines for Effective Regulatory Consultations

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the appropriate time of year for the consultations to take place (e.g., account for summer holidays)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if the deadlines for decision making are realistic  |
| <input type="checkbox"/> | <input type="checkbox"/> | Factor in the timing of other aspects of the regulatory process (e.g., drafting by Justice, senior management approval, Ministerial sign-off, PCO review, parliamentary schedule, pre-publication timelines, final approval) |
| <input type="checkbox"/> | <input type="checkbox"/> | Prepare and implement a communication plan   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess the time needed for participants and stakeholders to understand material, consult with their constituencies or members, and prepare input   |
| <input type="checkbox"/> | <input type="checkbox"/> | Research the availability of both government officials and stakeholders  |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the amount of time required for the consultation   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the time required for contracting outside help (e.g., bidding times, internal process, approval)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess how many consultation sessions are required   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine how much time is required to analyse the results and report back to stakeholders   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the time required for translation of material/background documents and participant input, if necessary   |

### Coordinate regulatory consultations across government departments and agencies

#### Checklist 5

In developing a consultation plan, officials should:

- | Yes                      | N/A                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Discuss the proposal with relevant policy centres within the department                |
| <input type="checkbox"/> | <input type="checkbox"/> | Seek the advice of departmental communications and consultation experts                |
| <input type="checkbox"/> | <input type="checkbox"/> | Liaise with corporate services (e.g., financial, contracting, translation, web master) |
| <input type="checkbox"/> | <input type="checkbox"/> | Conduct a file search of similar consultations   |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolve internal departmental issues   |

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Conduct a scan of other departments' roles and mandates to determine if other departments are interested (e.g., review web sites, liaise with other departments) |
| <input type="checkbox"/> | <input type="checkbox"/> | Review and update the Consulting Canada web site   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if other departments have recently conducted consultations on similar topics   |
| <input type="checkbox"/> | <input type="checkbox"/> | Examine potential areas of collaboration with other government departments   |
| <input type="checkbox"/> | <input type="checkbox"/> | Contact regional offices and provinces and territories if required.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Hold meeting(s) to brief other government departments on the proposal  |
| <input type="checkbox"/> | <input type="checkbox"/> | Identify the views of different departments on the proposal  |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolve interdepartmental issues   |

### Selecting consultations tool

#### Checklist 6

In selecting consultation tools, officials should:

- | Yes                      | N/A                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Research previous consultations to determine the methods usually used for consulting on this issue and with these stakeholders |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess the advantages and disadvantages of using various consultation tools  |
| <input type="checkbox"/> | <input type="checkbox"/> | Facilitate stakeholder involvement in selecting the most appropriate consultation tools  |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if different interest groups should be brought to the same consultation meeting                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess whether consensus is the goal of the consultations  |
| <input type="checkbox"/> | <input type="checkbox"/> | Ensure the consultation tool selected is appropriate for the size and scope of the proposal                                    |

## Selecting participants

### Checklist 7

In selecting stakeholders, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Develop criteria to select participants
<input type="checkbox"/>	<input type="checkbox"/>	Determine participant availability
<input type="checkbox"/>	<input type="checkbox"/>	Research who was consulted on similar topics
<input type="checkbox"/>	<input type="checkbox"/>	Contact key stakeholder groups for advice on who should participate
<input type="checkbox"/>	<input type="checkbox"/>	Do a web search of key groups
<input type="checkbox"/>	<input type="checkbox"/>	Consult other officials or departments to identify participants
<input type="checkbox"/>	<input type="checkbox"/>	Post a notice on the departmental web site advising of the consultation process
<input type="checkbox"/>	<input type="checkbox"/>	Send a letter to stakeholder groups
<input type="checkbox"/>	<input type="checkbox"/>	Advertise in local newspapers, trade publications or on radio or television.
<input type="checkbox"/>	<input type="checkbox"/>	Define the range of stakeholder involvement
<input type="checkbox"/>	<input type="checkbox"/>	Identify which regions of the country should be represented

## Effective budgeting

### Checklist 8

In developing a budget for a regulatory consultation, officials should:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Determine the funds available
<input type="checkbox"/>	<input type="checkbox"/>	Determine if the consultations will be facilitated by a third party
<input type="checkbox"/>	<input type="checkbox"/>	Assess if the funds are adequate for the scope of the regulatory consultations

## Guidelines for Effective Regulatory Consultations

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Examine if other government departments can contribute to the funding   |
| <input type="checkbox"/> | <input type="checkbox"/> | Evaluate whether contractors are needed for the preparation of written materials  |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if translation (written and simultaneous translation) is required   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if an independent evaluator is required   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if IT support is necessary (e.g., web master)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Calculate travel costs (e.g., what regions of the country need to be visited)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the kind of facilities required (e.g., hotels, conference centres, government facilities)                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Calculate the cost of notifying participants or the public of the consultations (e.g., advertising, mail-out, web site) |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if arrangements might be required for participants with special needs.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if intervener funding is available   |

### Ongoing monitoring, evaluating and documenting regulatory consultations

#### Checklist 9

In conducting an ongoing evaluation, officials should:

- | Yes                      | N/A                      |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the tangible results expected from the consultation process             |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess the key activities that need to be carried out as part of the consultation |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if a neutral observer would be beneficial for monitoring the process    |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if the methods used are appropriate for the identified objectives          |
| <input type="checkbox"/> | <input type="checkbox"/> | Evaluate if the timetable allows enough time for input                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Develop a tracking document   |
| <input type="checkbox"/> | <input type="checkbox"/> | Ensure that all comments are recorded   |
| <input type="checkbox"/> | <input type="checkbox"/> | Determine if there is an appropriate number of participants                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if stakeholders feel that the consultation is worthwhile                   |

**Checklist 10**

In conducting a final evaluation of the process and results of the consultations, officials should ask the following questions:

Yes	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Were the views received what you anticipated?
<input type="checkbox"/>	<input type="checkbox"/>	Was the method effective in engaging different groups and individuals?
<input type="checkbox"/>	<input type="checkbox"/>	Did those consulted feel the process was worthwhile?
<input type="checkbox"/>	<input type="checkbox"/>	Did the methods suit the objectives?
<input type="checkbox"/>	<input type="checkbox"/>	If more than one method was used, what were the advantages and disadvantages of each?
<input type="checkbox"/>	<input type="checkbox"/>	Were the quantitative and qualitative information, response rate and representative sample anticipated?
<input type="checkbox"/>	<input type="checkbox"/>	Was the timetable clear and adhered to; if not, why not?
<input type="checkbox"/>	<input type="checkbox"/>	Was enough time allowed for input?
<input type="checkbox"/>	<input type="checkbox"/>	Was the information used as part of the process effective?
<input type="checkbox"/>	<input type="checkbox"/>	Was relevant information made available to the appropriate participants?
<input type="checkbox"/>	<input type="checkbox"/>	Was the information easy to access, relevant to the consultation, produced in plain language, easy to understand, available in other languages and formats?
<input type="checkbox"/>	<input type="checkbox"/>	Was the process adequately budgeted?
<input type="checkbox"/>	<input type="checkbox"/>	Were the supporting materials effective? For example, did the consultation document encourage informed deliberation and dialogue? Was the information easy to access, clear and objective?
<input type="checkbox"/>	<input type="checkbox"/>	Did you follow up with those consulted and was that input used?

**Communication of neutral, relevant and timely information related to the regulatory proposal**

**Checklist 11**

In communicating neutral, relevant and timely information, officials should:

Yes      N/A

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Determine the level of knowledge of participants                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Evaluate whether participants are fully aware of the issues                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess whether all stakeholders have extensive technical knowledge of the issue        |
| <input type="checkbox"/> | <input type="checkbox"/> | Assess if some participants are more knowledgeable than others                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Provide information in clear, plain language   |
| <input type="checkbox"/> | <input type="checkbox"/> | Explore whether a learning event is necessary  |
| <input type="checkbox"/> | <input type="checkbox"/> | Distribute necessary background information  |
| <input type="checkbox"/> | <input type="checkbox"/> | Decide if stakeholders should be provided with a draft regulatory text                 |
| <input type="checkbox"/> | <input type="checkbox"/> | Provide timely information   |
| <input type="checkbox"/> | <input type="checkbox"/> | Include contact names and coordinates  |
| <input type="checkbox"/> | <input type="checkbox"/> | Ensure that all stakeholders are provided with the same information                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Develop a code of conduct for the consultation that has been agreed to by participants |

**Ensuring officials have the required skill necessary to engage in regulatory consultations**

**Checklist 12**

In facilitating a regulatory consultation process, officials should:

Yes      N/A

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Share expectations for the consultation process with participants and encourage participants to share their expectations |
| <input type="checkbox"/> | <input type="checkbox"/> | Establish a participant code of conduct  |



## Guidelines for Effective Regulatory Consultations

---

- Let participants express their points, without expressing their own thoughts, knowledge or feelings
- Understand the importance of the issue for participants, and whether any conflicts need to be resolved or can be set aside momentarily
- Separate the problem into components and develop solutions for each component
- Determine the potential for satisfactory resolution of a problem
- Determine if participants are willing to explore alternative solutions